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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 CRISTOBAL MORALES,
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11 *Petitioner,*

12 vs.

13 E.K. MCDANIEL, *et al.*,
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15 *Respondents.*

2:04-cv-01480-RLH-LRL

ORDER

16 This closed habeas case comes before the Court on petitioner's single filing presenting
17 a motion (#80) to send back legal documents mistakenly sent to him and a motion (#81) to
18 request a new jury trial.

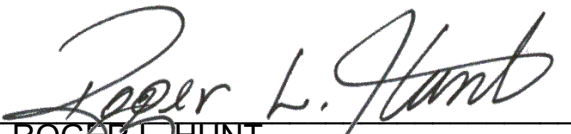
19 On the first motion, it appears that five pages of materials from another case were
20 included in #71 when a copy of that filing was sent to petitioner. The five pages for some
21 reason are included at the end of #71 as it appears on the docket. The Court will grant
22 petitioner's motion to return the five pages that he returned, but no other action need be taken
23 at this juncture in this closed case as to the apparently extraneous material at the end of #71.

24 On the second motion, while petitioner titled his filing in part as a motion to request a
25 new jury trial, in the body of the filing he asserts that he will be filing such a motion. To the
26 extent, if any, that petitioner seeks a new trial by the present motion, the motion will be
27 denied. *Inter alia*, this Court previously has extensively reviewed multiple times in this matter
28 petitioner's claim that the case against him was fabricated. See #72, at 2.

1 IT THEREFORE IS ORDERED that petitioner's motion (#80) to send back legal
2 documents mistakenly sent to him is GRANTED to the extent that the Court acknowledges
3 petitioner's return of the last five pages of #71. No other action is necessary with regard to
4 the motion in this closed case.

5 IT FURTHER IS ORDERED that the motion (#81) to request a new jury trial is
6 DENIED.

7 DATED: September 22, 2010.

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11 ROGER L. HUNT
12 Chief United States District Judge
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